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**REPUBLIC OF SOUTH AFRICA
NORTH-GAUTENG HIGH COURT
PRETORIA**

PRETORIA: 19 JULY 2011

CASE NUMBER: 27601/2011

BEFORE THE HONORABLE Mr. JUSTICE BERTHELSMAN

In the matter between:

JC STOBBS

K. CLARKE

and

J.T. RADEBE N.O.

DIRECTORATE OF PUBLIC PROSECUTIONS

THE MAGISTRATE OF KRUGERSDORP

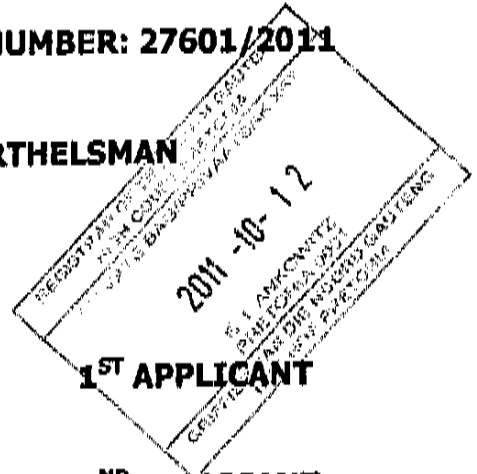
1ST APPLICANT

2ND APPLICANT

1ST RESPONDENT

2ND RESPONDENT

3RD RESPONDENT



DRAFT ORDER

After having read the documents filed of record and after having heard Counsel on behalf of the applicants the court makes the following order:

1. That the matter In the Krugersdorp Magistrate's Court, In which the applicants are the accused on charges of possession and dealing in Cannabis (dagga), be stayed, pending the outcome of proceedings to

be instituted by the applicants in the High Court of South Africa, in which proceedings the applicants will challenge the constitutionality of sections 4(b), 5(b) and Part III of Schedule 2 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), in as far as it relates to the possession of, and dealing in Cannabis (dagga).

2. Should the applicants fail to institute the proceedings aforesaid within 60 (sixty) days of the granting of this order, the suspension referred to in the preceding paragraph will ipso facto lapse.

BY THE COURT



**REGISTRAR OF THE HIGH COURT
PRETORIA**